

**Prepared Statement of Ben Nighthorse Campbell
Vice Chairman - Senate Committee on Indian Affairs
Hearing on The Protection of Native American Sacred Places
As They Are Affected by the Activities of the Department of Defense**

June 4, 2002

Good morning and thank you Mr. Chairman.

Today we will receive testimony on the issue of Native sacred sites and how those sites have been or are being impacted by the activities of our Department of Defense.

First I want to state that protecting cultural, religious and ceremonial resources, is not only a concern of Native Americans.

In fact the week before our Memorial Day Recess the House Resources Committee favorably reported a bill to transfer ownership of 900 acres known as "Martin's Cove" to the Church of Mormon. This was land, Mr. Chairman, on which some 150 people perished in a blizzard and the land has enormous historical and religious value to the Mormon Church members.

I would also say that protecting places with deeply-held conviction is not limited to Americans: people around the world are clamoring to preserve and protect religious and cultural sites in Turkey, Italy and Greece, the Holy Land, South America, and Afghanistan the Americas.

There is something uniquely human about protecting the sacred and keeping the sacred and the mundane separate and apart and that's what this is all about.

In addition to the sites we will hear about today, there are places Native people hold dear such as the Huckleberry Patch in Oregon; Mt. Graham in Arizona; Sand Creek in Colorado; and hundreds of others are being threatened as we speak.

Just as Native people continue to protect their ceremonial lands, it is evident to me that the legal protections now in place for cultural and religious sites in America are lacking in many respects.

From the *Antiquities Act of 1906* to the *American Indian Religious Freedom Act of 1978*, to the *Native American Graves Protection and Repatriation Act of 1990*, each of these key laws have proven unable to fully protect Native sacred sites in one respect or another.

There is reason for hope, as you know Mr. Chairman. Today we will hear from U.S. Government Agencies that I think should be commended for several of their more recent initiatives. These include

- 1) the DoD's "American Indian and Alaska Native Training Program" that has trained hundreds of DoD staff in Indian Law, and helped develop a greater sensitivity to these matters;
- 2) the DoD's "Treaty Research Project" that has scoured more than 400 Indian treaties and has determined that some 25 such treaties provide explicit protections for Native cultural and religious sites; and
- 3) the U.S. Air Force and U.S. Marine Corps activities at the Barry M. Goldwater Range in Arizona. The Air Force and the Marine Corps have surveyed nearly 3 million acres of land and discerned nearly 100 archeological sites that may be protected under Federal law.

These are reasons for hope Mr. Chairman and it seems that there is some positive momentum developing here and I am confident we can keep that momentum going.

With that I look forward to hearing from our witnesses and thank you for calling this hearing.

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